

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE APRIL 26, 2004

AMENDED IN SENATE APRIL 13, 2004

**SENATE BILL**

**No. 1634**

**Introduced by Senator Alarcon**

February 20, 2004

---

---

An act to amend Section 17980.6 of, and to add Sections 17967.1 and 17993 to, ~~the Health and Safety Code, and to amend Section 1808.4 of the Vehicle Code, relating to building standards.~~ *17993 to, the Health and Safety code, relating to building standards.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1634, as amended, Alarcon. Real property: substandard conditions.

(1) The State Housing Law authorizes a city, county, or city and county to designate and charge a department organized to carry out the purposes of the State Housing Law, or an officer charged with the responsibility of carrying out the State Housing Law, with the enforcement of this law, the California Building Standards Code, or any other rules and regulations adopted pursuant to this law for the protection of the public health, safety, and general welfare. The State Housing Law requires the building department of every city or county to enforce within its jurisdiction all the provisions published in the California Building Standards Code, the State Housing Law, and the other rules and regulations adopted pursuant to the State Housing Law pertaining to apartment houses, hotels, or dwellings, as specified.

The State Housing Law authorizes a city, county, or city and county enforcement agency to issue an order or notice to repair or abate a

building to the owner if the building is maintained in a manner that violates any provisions of this law, the building standards published in the State Building Standards Code, any other rule or regulation promulgated pursuant to the law, or a local ordinance that is similar to a provision in the State Housing Law, and the violations are so extensive and of a nature that the health and safety of the residents or the public is substantially endangered. Existing law requires the order or notice to include specified information.

This bill would authorize the enforcement agency or health department employee to issue an administrative citation for violations. The bill would require the building owner or owner's agent receiving an order or notice to abate to provide specified identification information to the city ~~or, county, or city and county~~ department that issued the order. *The bill would require the city, county, or city and county to mail this information to affected tenants.* The bill would authorize the department issuing the order or notice to provide specified notices in the event of noncompliance, after a reinspection. The bill would authorize the enforcement agency to charge the property owner for *specified costs related to the issuance of the order or notice.* By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law authorizes the department to inspect the records of the various city, city and county, and county departments charged with enforcement of the State Housing Law, the California Building Standards Code, or any other rules and regulations adopted pursuant to this law.

This bill would encourage each of these departments to post on the Web site of the city, county, or city and county, a searchable database of inspections and violations of the State Housing Law and the California Building Standards Code, as specified.

~~(3) Existing law deems the home address of specified public officials that appears in any record of the Department of Motor Vehicles to be confidential, including any active or retired city enforcement officer engaged in the enforcement of the Vehicle Code or municipal parking ordinances.~~

~~This bill would include within that class of public officials any active or retired city, county, or city and county enforcement officer engaged in the enforcement of the State Housing Law, the California Building Standards Code, or specified ordinances.~~



~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

*(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares all of  
2 the following:

3 ~~(a) In Los Angeles County alone, the county's Department of~~  
4 ~~Health found that over 13 percent of housing units are continually~~  
5 ~~in seriously dilapidated condition. The county has given these~~  
6 ~~apartments failing grades; where the health and safety of its~~  
7 ~~occupants have, and continue to be at risk despite citations issued~~  
8 ~~to landlords.~~

9 ~~(b)—~~

10 (a) Childhood asthma and allergies are on the rise, particularly  
11 in low-income, African-American, and Latino communities, and  
12 a major contributing factor are the health code violations in rental  
13 housing that are going unchecked.

14 ~~(c)—~~

15 (b) Code violations include anything from vermin infestation  
16 and mold growth. Other code violations from failing plumbing and  
17 poor sanitation to structural problems also pose a serious threat to  
18 health and safety.

1 ~~(d)–~~

2 (c) These conditions substantially endanger the health and  
3 safety of the residents and the general public.

4 ~~(e) Currently there are no statewide standards as to how~~  
5 ~~inspections are performed, how apartments are graded, or how~~  
6 ~~local government will enforce compliance. In many jurisdictions,~~  
7 ~~inspections are only conducted in the common areas of the~~  
8 ~~buildings, or the apartments are given a 100 percent score or~~  
9 ~~passing grade after only inspecting the outside of the units.~~

10 SEC. 2. Section 17967.1 is added to the Health and Safety  
11 Code, to read:

12 17967.1. (a) The Legislature finds and declares that:

13 (1) A significant amount of information about code  
14 enforcement violations and compliance or noncompliance is  
15 available in electronic form in many jurisdictions, and other  
16 jurisdictions are creating similar electronic files.

17 (2) Code enforcement violations exist in various disciplinary  
18 areas, such as lead, mold, and asbestos health violations; fire  
19 prevention and suppression defects; structural, electric, or  
20 plumbing defects; and general nuisance problems. Correcting  
21 these varied violations often require multidisciplinary responses,  
22 but this information is not currently easily accessible to various  
23 interested agencies and parties.

24 (3) Increased access to information about code enforcement  
25 violations, failures to comply with code enforcement violations,  
26 and related data by other public agencies, academic institutions,  
27 and advocates for healthy families and safe housing will result in  
28 more coordinated and effective efforts to enhance the health and  
29 safety of California's children and adults and improve the  
30 effectiveness of public and private code enforcement efforts.

31 (b) Each city, county, and city and county department charged  
32 with the enforcement of building standards published in the  
33 California Building Standards Code, this part and regulations  
34 adopted pursuant thereto, and any local ordinances adopted to  
35 enforce that code or this part, is encouraged to post on the Web site  
36 of the city, county, or city and county, a searchable database of  
37 violations of this part and the California Building Standards Code,  
38 and any other residential structure violations readily available,  
39 within the jurisdiction of the city, county, or city and county. The  
40 database may include the address of the building, including

1 address number, street name, geographic direction of the street,  
2 city, and ZIP Code, the date or range of dates of the citation or  
3 notice of violation, and information regarding the compliance or  
4 noncompliance with the citation or notice of violation.

5 (c) Each city, county, or city and county is encouraged to make  
6 available to the University of California, the state university  
7 system, or any nonprofit corporation any database that the city,  
8 county, or city and county maintains to record the frequency and  
9 specific types of violations of this part pursuant to the California  
10 Public Records Act (Chapter 3.5 (commencing with Section 6250)  
11 of Division 7 of Title 1 of the Government Code), except that the  
12 city, county, or city and county shall provide information collected  
13 for this database within the most recently completed fiscal year no  
14 later than 14 days from the receipt of a request for this information  
15 made pursuant to this subdivision and information collected for  
16 this database within the current fiscal year no later than the  
17 following September 15. In addition, if possible, the database shall  
18 be transmitted in an electronic text format. Data fields shall  
19 include, if possible, the address of the building, including address  
20 number, street name, geographic direction of the street, city, and  
21 ZIP Code, inspection date or range of dates, and inspection results.  
22 The University of California, the state universities, and the  
23 nonprofit corporation may not sell, rent, or exchange information  
24 that it obtains pursuant to this subdivision.

25 SEC. 3. Section 17980.6 of the Health and Safety Code is  
26 amended to read:

27 17980.6. (a) If any building is maintained in a manner that  
28 violates any provisions of this part, the building standards  
29 published in the State Building Standards Code relating to the  
30 provisions of this part, any other rule or regulation adopted  
31 pursuant to the provisions of this part, or any provision in a local  
32 ordinance that is similar to a provision in this part, and the  
33 violations are so extensive and of such a nature that the health and  
34 safety of residents or the public is substantially endangered, the  
35 enforcement agency may issue an order or notice to repair or abate  
36 pursuant to this part. An employee of the enforcement agency or  
37 a health department enforcing any provision of this part may issue  
38 an administrative citation pursuant to Section 53069.4 of the  
39 Government Code for any violation of this part, the California  
40 Building Standards Code, or any ordinance adopted to enforce this

1 part or that code, if the owner or owner's agent has not complied  
2 with a notice of violation within the time prescribed.

3 (b) In addition to the requirements imposed by an order or  
4 notice to abate or repair issued pursuant to this section, after a  
5 reinspection and written notice of noncompliance with prior order  
6 or notice to abate or repair, the owner or owner's agent of a  
7 residential rental property owned by a nongovernmental entity  
8 shall provide the following information to the city, county, or city  
9 and county agency that issued the order or notice within 10 days  
10 of the date of the order or notice of noncompliance in a manner to  
11 be determined by the relevant city, county, or city and county  
12 agency:

13 (1) The name, business address, and telephone number.

14 (2) If the property is owned by a corporation, limited liability  
15 company, partnership, limited partnership, trust, or real estate  
16 investment trust, the owner shall designate a person who resides  
17 in this state and who manages the property. The owner shall  
18 designate this person in a manner to be determined by the relevant  
19 city or county department or its designee. This designation shall  
20 be accompanied by a notarized statement by this designated person  
21 that she or he accepts the designation. The information shall  
22 include the name, business address, and telephone number of the  
23 person who manages the property. Where applicable, the same  
24 information for the following persons shall be provided:

25 (A) For a corporation, a corporate officer.

26 (B) For a limited liability company, the managing or  
27 administrative member.

28 (C) For a partnership or a limited partnership, a general partner.

29 (D) For a trust, a trustee.

30 (E) For a real estate investment trust, a general partner or an  
31 officer.

32 (3) If the property is owned by a person who resides outside this  
33 state, the owner shall designate with the relevant city or county  
34 department or its designee a person who resides in this state and  
35 who manages the property. The owner shall designate this person  
36 in a manner to be determined by the board or its designee. This  
37 designation shall be accompanied by a notarized statement by the  
38 designated person that accepts the designation. The information  
39 shall include the name, business address, and telephone number of  
40 the person.

1 (4) The street address and parcel number of the property.

2 (5) The year that the building was built.

3 (6) The number of units in the building.

4 (c) The owner shall update the information required by this  
5 section within 10 days after there is a change in the information  
6 prior to compliance with the order or notice.

7 (d) Any order or notice pursuant to this subdivision shall be  
8 provided either by both posting a copy of the order or notice in a  
9 conspicuous place on the property and by first-class mail to each  
10 affected residential unit, or by posting a copy of the order or notice  
11 in a conspicuous place on the property and in a prominent place on  
12 each affected residential unit and by first-class mail to each  
13 affected residential unit.

14 (e) The order or notice shall include, but is not limited to, all of  
15 the following:

16 (1) The name, address, and telephone number of the agency  
17 that issued the notice or order.

18 (2) The date, time, and location of any public hearing or  
19 proceeding concerning the order or notice.

20 (3) Information in plain language that the lessor cannot  
21 retaliate against a lessee pursuant to Section 1942.5 of the Civil  
22 Code and that the owner or owner's agent may not demand rent or  
23 do any of the other acts prohibited by Section 1942.4 of the Civil  
24 Code if after 35 days the violation is not corrected and the  
25 conditions violate Section 1942.4 of the Civil Code.

26 (f) *If, upon a reinspection 35 or more days after the date of the*  
27 *initial order or notice to repair or abate a violation of this part, the*  
28 *California Building Standards Code, or an ordinance enacted to*  
29 *enforce this part or that code, the owner or owner's agent has not*  
30 *fully complied with that order or notice, the agency issuing the*  
31 *order or notice may, in addition to any other remedy of law, provide*  
32 *written notice to any lender, insurer, or other person or entity with*  
33 *an interest in or relationship to the property. It shall be a violation*  
34 *of this part for the owner or owner's agent to remove any posted*  
35 *notice before the enforcement agency determines that the*  
36 *violations have been corrected.*

37 (g) If a reinspection determines that there has been compliance  
38 with any order or notice to repair or abate a violation issued  
39 pursuant to this section, the property owner or the owner's agent  
40 may request a notice of compliance with that order or notice from



1 the agency that certified the compliance. Upon payment of all fees  
2 imposed pursuant to this section, the agency shall promptly  
3 provide that notice of compliance.

4 ~~(g)–~~

5 *(h) Within 10 days of receipt of information provided pursuant*  
6 *to subdivisions (b) and (c), the city, county, or city and county shall*  
7 *mail this information to each tenant affected by the condition that*  
8 *caused the issuance of an order or notice pursuant to this section.*

9 The agency issuing any notices or orders, or taking any other  
10 actions pursuant to this section to enforce this part, may charge the  
11 property owner for all costs incurred pursuant to this section,  
12 including, but not limited to, document preparation and  
13 reproduction, postage, and mileage costs.

14 SEC. 4. Section 17993 is added to the Health and Safety Code,  
15 to read:

16 ~~17993. Notwithstanding any other provision of law, the~~  
17 ~~owner, renter, or any other resident of a residential structure, or any~~  
18 ~~authorized representative thereof, shall receive a copy of any~~  
19 ~~notice of violation or citation issued by any local or state agency~~  
20 ~~pursuant to this part or any other law or ordinance governing the~~  
21 ~~construction, maintenance, use, occupancy, or health and safety of~~  
22 ~~that residential structure, or any part thereof, and any information~~  
23 ~~collected pursuant to subdivision (b) of Section 17980.6, subject~~  
24 ~~only to the costs imposed by the California Public Records Act~~  
25 ~~(Chapter 3.5 (commencing with Section 6250) of Division 7 of~~  
26 ~~Title 1 of the Government Code).~~

27 SEC. 5. ~~Section 1808.4 of the Vehicle Code is amended to~~  
28 ~~read:~~

29 ~~1808.4. (a) The home address of any of the following~~  
30 ~~persons, that appears in any record of the department, is~~  
31 ~~confidential, if the person requests the confidentiality of that~~  
32 ~~information:~~

33 ~~(1) Attorney General.~~

34 ~~(2) State public defender.~~

35 ~~(3) Members of the Legislature.~~

36 ~~(4) Judges or court commissioners.~~

37 ~~(5) District attorneys.~~

38 ~~(6) Public defenders.~~



1 ~~(7) Attorneys employed by the Department of Justice, the~~  
2 ~~office of the State Public Defender, or a county office of the district~~  
3 ~~attorney or public defender.~~

4 ~~(8) City attorneys and attorneys who submit verification from~~  
5 ~~their public employer that they represent the city in matters that~~  
6 ~~routinely place them in personal contact with persons under~~  
7 ~~investigation for, charged with, or convicted of, committing~~  
8 ~~criminal acts, if those attorneys are employed by city attorneys.~~

9 ~~(9) Nonsworn police dispatchers.~~

10 ~~(10) Child abuse investigators or social workers, working in~~  
11 ~~child protective services within a social services department.~~

12 ~~(11) Active or retired peace officers, as defined in Chapter 4.5~~  
13 ~~(commencing with Section 830) of Title 3 of Part 2 of the Penal~~  
14 ~~Code.~~

15 ~~(12) Employees of the Department of Corrections, the~~  
16 ~~Department of the Youth Authority, or the Prison Industry~~  
17 ~~Authority specified in Sections 20403 and 20405 of the~~  
18 ~~Government Code.~~

19 ~~(13) Nonsworn employees of a city police department, a~~  
20 ~~county sheriff's office, the Department of the California Highway~~  
21 ~~Patrol, federal, state, and local detention facilities, and local~~  
22 ~~juvenile halls, camps, ranches, and homes, who submit agency~~  
23 ~~verification that, in the normal course of their employment, they~~  
24 ~~control or supervise inmates or are required to have a prisoner in~~  
25 ~~their care or custody.~~

26 ~~(14) County counsels assigned to child abuse cases.~~

27 ~~(15) Investigators employed by the Department of Justice, a~~  
28 ~~county district attorney, or a county public defender.~~

29 ~~(16) Members of a city council.~~

30 ~~(17) Members of a board of supervisors.~~

31 ~~(18) Federal prosecutors and criminal investigators and~~  
32 ~~National Park Service Rangers working in this state.~~

33 ~~(19) Any active or retired city, county, or city and county~~  
34 ~~enforcement officer engaged in the enforcement of the Vehicle~~  
35 ~~Code municipal parking ordinances, the State Housing Law (Part~~  
36 ~~4.5 (commencing with Section 17910) of Division 13 of the Health~~  
37 ~~and Safety Code), the California Building Standards Code, any~~  
38 ~~ordinances adopted to enforce the State Housing Law or the~~  
39 ~~California Building Standards Code, or any municipal or county~~  
40 ~~nuisance ordinance.~~

~~(20) Any employee of a trial court.~~

~~(21) Any psychiatric social worker employed by a county.~~

~~(22) Any police or sheriff department employee designated by the Chief of Police of the department or the sheriff of the county as being in a sensitive position. Any designation pursuant to this paragraph shall, for purposes of this section, remain in effect for three years subject to additional designations that, for purposes of this section, shall remain in effect for additional three-year periods.~~

~~(23) State employees in the following classifications:~~

~~(A) Licensing Registration Examiner, Department of Motor Vehicles.~~

~~(B) Motor Carrier Specialist 1, California Highway Patrol.~~

~~(C) Museum Security Officer and Supervising Museum Security Officer.~~

~~(24) (A) The spouse or child of any person listed in paragraphs (1) to (23), inclusive, regardless of the spouse's or child's place of residence.~~

~~(B) The surviving spouse or child of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, if the peace officer died in the line of duty.~~

~~(b) The confidential home address of any of the persons listed in subdivision (a) shall not be disclosed to any person, except for any of the following:~~

~~(1) A court.~~

~~(2) A law enforcement agency.~~

~~(3) The State Board of Equalization.~~

~~(4) An attorney in a civil or criminal action that demonstrates to a court the need for the home address, if the disclosure is made pursuant to a subpoena.~~

~~(5) Any governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the department.~~

~~(c) Any record of the department containing a confidential home address shall be open to public inspection, as provided in Section 1808, if the address is completely obliterated or otherwise removed from the record. The home address shall be withheld from public inspection for three years following termination of office or employment except with respect to retired peace officers, whose home addresses shall be withheld from public inspection~~

~~permanently upon request of confidentiality at the time the information would otherwise be opened. The home address of the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a) shall be withheld from public inspection for three years following the death of the peace officer. The department shall inform any person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.~~

~~(d) A violation of subdivision (a) by the disclosure of the confidential home address of a peace officer, as specified in paragraph (11) of subdivision (a), a nonsworn employee of the city police department or county sheriff's office, or the spouses or children of these persons, including, but not limited to, the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a), that results in bodily injury to the peace officer, employee of the city police department or county sheriff's office, or the spouses or children of these persons is a felony.~~

~~SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

*17993. The owner, renter, any other resident, or any authorized representative thereof, of a residential building may, pursuant to California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), obtain a copy of any notice of violation or citation issued by any local or state agency pursuant to this part or any other law or ordinance regulating the construction, maintenance, use, occupancy, or health and safety of the residential building, or any part thereof, and any information collected pursuant to subdivision (b) of Section 17980.6, subject only to the fees authorized by that act.*

*SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because*

- 1 *a local agency or school district has the authority to levy service*
- 2 *charges, fees, or assessments sufficient to pay for the program or*
- 3 *level of service mandated by this act, within the meaning of Section*
- 4 *17556 of the Government Code.*

